

BEFORE THE
STATE BOARD OF PHARAMCY
STATE OF MISSOURI

MISSOURI BOARD OF PHARMACY,)	
)	
Petitioner,)	
)	
v.)	Case No. 16-3797PH
)	
KAMLESH TRIVEDI R.PH.)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

This matter appears before the Missouri Board of Pharmacy pursuant to a Consent Order issued by the Administrative Hearing Commission as a result of a Stipulation of Cause to Discipline between Missouri Board of Pharmacy and Kamlesh Trivedi, R.Ph. and Consent Order issued by the Administrative Hearing Commission on August 10, 2017, both of which were incorporated into the record of this matter. See page 8 of the transcript. Each Board member participating in this decision read the Consent Order issued by the Administrative Hearing Commission and the Joint Stipulation for Cause to Discipline between Missouri Board of Pharmacy and Trivedi, as well as each exhibit and considered each exhibit in reaching the decision reflected in this Order. See pages 8 and 9 of the transcript.

Findings of Fact

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent. See pages 7 and 8 of the transcript.

2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on October 25, 2017, at the St. Louis College of Pharmacy, Recreation and Student Center, 4588 Parkview Place, St. Louis, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of respondent. Trivedi appeared in person and with counsel, David Barrett. The Board was represented by Alicia Turner. See pages 6-8 of the transcript.

3. All Board members participating in the decision of the Board were present throughout the disciplinary hearing.

4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Respondent is licensed by the Board, License No. 040885, which license was current and active at the time of the incidents which form the basis of the charge. See page 6 of the transcript.

6. The Joint Stipulation to Cause for Discipline had certain provisions regarding the facts that the parties agreed give cause to discipline the license of the respondent. See Joint Stipulation and the Consent Order of the Administrative Hearing Commission. Respondent and his attorney agreed at the disciplinary hearing that he committed acts that give cause for the Board to impose discipline on his pharmacist license. See pages 12-15, 23-27, 35, 47-48, 59, 62, and 67-69 of the transcript.

7. Petitioner's Exhibits 1-4 were admitted into the record and the Board considered each exhibit in deciding the discipline it imposes in this Order. See pages 15 and 16 of the transcript.

8. Respondent was employed as a pharmacist at Heartland Homecare Services, Inc., 6500 NW Tower Dr., Suite A, Platte Woods, MO 64151, a closed-door long-term care pharmacy (the "pharmacy"). See pages 22-23 of the transcript.

9. Respondent admitted that for a period of three to four months he removed and consumed approximately 30-40 Tramadol tablets from the pharmacy. See pages 23-24, 26-27, 59, and 62 of the transcript. Although tramadol is a controlled substance it was not a controlled substance when he first started taking the drug for his knee injury. See page 25 of the transcript.

10. Respondent admitted that he removed and consumed one or maybe two Diclofenac tablets from the pharmacy. See pages 23-24, 50, 59, and 62 of the transcript.

11. Respondent did not pay for any of the drugs he diverted from the pharmacy. See Exhibit 2, page 2.

12. Respondent did not have a valid prescription for the drugs he diverted from the pharmacy. See Exhibit 2, page 2.

13. He diverted the drugs from the pharmacy for his personal use and consumption. See Exhibit 2, page 2.

14. Respondent dispensed Tramadol to himself from the pharmacy without a valid prescription in violation of Missouri law. Section 195.060.1 RSMo provides:

Except as provided in subsection 4 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he or she is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall either write the date of filling and his or her own signature on the prescription or retain the date of filling and the identity of the dispenser as electronic prescription information. The prescription or electronic prescription information shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in Schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

15. Counsel for Mr. Trivedi conceded that Mr. Trivedi committed the acts alleged by the Board and that he stole the medicines from his employer, but that his client did not have an addiction. See pages 11-15 and 67-69 of the transcript.

16. Mr. Trivedi stated that when confronted by his employer they did not take any immediate employment action as a result of his diversion, but later terminated him when they became aware of a complaint filed against him. See pages 26 and 27 of the transcript.

17. Respondent's exhibit A is a report prepared by a physician for the hearing, describing injuries and treatment for those injuries suffered by Respondent. Counsel for the Board objected to the exhibit as hearsay and a lack of foundation. Respondent's attorney responded that the report should come in as a business record while agreeing that the report did contain hearsay. See pages 28-32 of the transcript. Respondent's attorney stated that the report was being offered not for the truth of the matters being asserted, but "for the background of the board to understand Mr. Kamlesh's position, not necessarily that the doctor was accurate. We're not endorsing the doctor or his conclusions. We are endorsing what is reflected in there as far as Mr. Kamlesh's history." See page 31, lines 16-21 of the transcript. As stated in this Order, Mr. Kamlesh testified to his physical conditions that led him to illegally steal prescription medicines from his employer, so that the information that Respondent asked the Board to consider in Exhibit A was already in front of the Board. Although the exhibit does include hearsay and that it was not established as a business record, the Board accepted it into evidence and gave it such weight as it deemed appropriate, knowing it constituted hearsay and was not established as a business record. See Section 536.070 (10) RSMo.

18. Exhibit B was offered into evidence by respondent and is a report from a substance abuse treatment center, Professional Treatment Services. Counsel for the Board objected to the admission into evidence this exhibit as hearsay and lack of foundation. See pages 37-40 of the transcript. Statements attributed to Mr. Trivedi in Exhibit B were confirmed by Mr. Trivedi and adopted by him in his testimony. See page 49 of the transcript. Other statements in this exhibit constitute hearsay. For example, at page 2 there is a statement "The patient was screened for gambling disorder and other behavioral addictions and this screen was negative for behavior addictions." See Exhibit B. Other statements appear that assert facts. Counsel for respondent stated that he was not offering Exhibit B for the truth of those statements, but to show "the conclusions of the Kansas Impaired Pharmacist Program." See page 39, lines 3-5 of the transcript.

19. Exhibit B states that Respondent had two different instances of abuse impairing substance. See pages 50 and 51 of the transcript.

20. Exhibit B contains a long list of recommendations for Respondent to follow, most of which he has not followed. See pages 52-54 of the transcript.

21. Respondent ingested the tramadol while working as a pharmacist even though he knew that medicine impaired cognitive ability. See pages 57 and 58 of the transcript.

22. Respondent admitted that while still working after taking the stolen tramadol, he became drowsy but continued working as a pharmacist. See page 59 of the transcript.

23. Respondent stole the 30 to 40 tramadol over a 3 to 4 month period. He had no explanation why he continued to steal the tramadol rather than bring his own medication from home. See pages 61 and 62 of the transcript

24. Mr. Trivedi's attorney told the Board in his closing remarks that his client did violate the law and he deserves a "sanction" because he "engaged in misconduct, regrettable misconduct." See page 67, lines 19-21 of the transcript. The attorney suggested that such sanctions as going through a drug treatment program were unnecessary. See page 69 of the transcript.

25. The parties agreed that the Board has authority to discipline the pharmacist license of Mr. Trivedi as provided in Section 338.055.2 (13) and (17). See Joint Stipulation. The Joint Stipulation and the testimony of Mr. Trivedi demonstrate that Mr. Trivedi understands that he violated provisions of Chapter 338 to the extent that the Board may impose whatever length and terms of discipline it chooses.

Conclusions of Law

26. The Board has jurisdiction over this proceeding in that the parties have agreed that the Board has cause to discipline the license of the respondent. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

27. The Board has jurisdiction to take disciplinary action against respondent in that the parties have agreed that such action may be taken.

28. Respondent's license to practice as a pharmacist, numbered 040885, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2 (13) and (17). The Board determined the discipline imposed as set forth below based upon the facts of this case, and in consideration of the testimony presented at the hearing.

Disciplinary Order

Therefore having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacist license issued to respondent, number 040885, is hereby

placed on **PROBATION for five (5) years**. This Order shall become effective fifteen (15) days after it is signed by the Executive Director.

The following terms shall apply to the entire disciplinary period:

1. Respondent shall comply with all applicable provisions of Chapter 338, Chapter 195, Chapter 196 and all applicable federal and state pharmacy/drug laws and regulations and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
2. Respondent shall not serve as pharmacist-in-charge or manager-in-charge of any entity licensed or regulated by the Board, or as a preceptor for pharmacy interns or as a teaching member of any school or college of pharmacy. Additionally, Respondent shall not serve as a consultant required by a Board disciplinary order for any pharmacy/drug distributor.
3. Respondent shall keep the Board apprised of his/her current home, electronic mail (e-mail) and work addresses and telephone numbers. Respondent shall notify the Board of any change in Respondent's employer or Respondent's home or work address within ten (10) days of such change in a manner approved by the Board. For employer/work changes, Respondent's notification shall include the reasons for the change. If at any time Respondent is employed by a temporary employment agency or maintains employment that requires frequent daily or weekly changes of work locations he/she must provide the Board a list of locations worked if requested by the Board or Board's representative.
4. If Respondent's license expires or becomes void/invalid, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of discipline not previously satisfied, including, any remaining suspension/probationary period.
5. Respondent shall cooperate with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of this Disciplinary Order/Settlement agreement. Respondent shall make himself available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings shall be at the Board's discretion and may occur periodically during the disciplinary period.
6. Respondent shall respond to any written inquiry of the Board and provide any requested documentation/records within three (3) days of receipt of a written request from the Board or the Board's authorized designee, or as otherwise requested by the Board/Board designee.
7. If requested by the Board, Respondent shall submit to a criminal history background check via the Board's approved vendor at Respondent's cost. Unless otherwise directed by the Board, Respondent shall submit the required fingerprints and undergo the requested criminal history background check within ten (10) days of the Board's request.
8. Respondent shall submit to any drug, alcohol or urinalysis testing requested by the Board, at Respondent's cost. Testing may be conducted on any human sample, including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing is within the Board's sole discretion.
9. Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:
 - a. Any arrest or issuance of a criminal complaint;

- b. Any municipal/local arrest, citation or complaint relating to drugs, theft, shoplifting, burglary, possession of drug paraphernalia, driving or operating a motor vehicle under the influence/while intoxicated or illegally possessing, selling or purchasing alcohol, any drug or drug paraphernalia;
- c. A finding or plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment, including, but not limited to, any deferred or diverted adjudication, order or agreement;
- d. A conviction of any crime, including, but not limited to, any Suspended Imposition of Sentence ("SIS") or Suspended Execution of Sentence ("SES");
- e. A finding by a court that Respondent has violated any term of his/her criminal probation/parole;
- f. Any discipline, citation, or other administrative action filed or taken against Respondent by any state board/committee of pharmacy, or any other state or federal agency.

Failure to timely report any of the foregoing occurrences shall be considered a disciplinary violation.

- 10. If Respondent is currently or begins serving any period of criminal probation/parole, Respondent shall provide the name of his or her probation/parole officer to the Board, in writing, within ten (10) days of the effective date of this Order/Agreement or within ten (10) days of the designation of a probation/parole officer. If Respondent's probation/parole officer is changed for any reason, Respondent shall submit the name of the replacement officer to the Board within ten (10) days of the change/modification. Respondent shall execute a release authorizing his/her probation or parole officer to provide to the Board any information relating to Respondent's probation or parole. Respondent shall maintain the release in effect and shall provide an updated release if requested by the Board.
- 11. Respondent shall file a "Disciplinary Compliance Report" with the Board in a form/manner approved by the Board. The Disciplinary Compliance Report shall be due by January 1 and July 1 of each calendar year. Respondent's final Disciplinary Compliance Report shall be filed no later than ninety (90) days before the end of the probationary period.
- 12. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order/Agreement.
- 13. The parties to this Order/Agreement understand that the Board of Pharmacy will maintain this Order/Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

NOTICE TO EMPLOYERS

- 14. If applicable, Respondent shall notify any employer of the employer's need to apply for and receive the necessary state (misdemeanor/felony) and federal (felony) waivers from the Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement Administration in order to be employed within a facility that maintains state or federal registrations for the purpose of storing, distributing or dispensing controlled substances.

15. Except as otherwise provided herein, "Employment" within the meaning of this Order/Agreement shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist or any position for which a pharmacist license, pharmacy intern license or pharmacy technician registration is a requirement or criterion for employment, regardless of whether Respondent is an employee, independent contractor, volunteer, instructor or consultant. "Employment" shall also include any entity where legend drugs are stored, sold, dispensed or distributed.
16. Respondent shall notify any current or future employers of this action by providing a copy of this Disciplinary Order/Settlement Agreement to the pharmacist-in-charge or manager-in-charge of any pharmacy or drug distributorship where Respondent is employed, on or before the effective date of discipline or prior to accepting any offer of employment.
 - a. If Respondent is not or will not be employed by a pharmacy or drug distributor, the notice shall be provided to Respondent's direct supervisor at Respondent's current/prospective place of employment, as defined herein, within the timeframes required by this section.
 - b. For purposes of this Order/Agreement, a pharmacy shall also include, but is not limited to, any location providing pharmacy services for inpatients of a licensed hospital or residents of a long term care facility.
17. Respondent shall cause the pharmacist-in-charge, manager-in-charge or supervisor to sign a written acknowledgment on a form approved by the Board indicating that he/she has received and reviewed the Disciplinary Order/Settlement Agreement and the terms and conditions imposed thereby. The written acknowledgement shall be signed and dated by the applicable pharmacist-in-charge, manager-in-charge or supervisor and shall be submitted to the Board by Respondent for verification within ten (10) days of the dated signature. Respondent shall be responsible for ensuring the required signed acknowledgments are timely submitted to the Board.
18. If at any time Respondent is employed by a temporary employment agency, Respondent must provide each employment agency a copy of this Disciplinary Order/Settlement Agreement prior to being assigned to a temporary employment site. Respondent shall also provide a copy of the Disciplinary Order/Settlement Agreement to each pharmacist-in-charge or manager-in-charge of each pharmacy or drug distributor where Respondent is assigned to work. If the pharmacist-in-charge or manager-in-charge is not present at the employment site, a copy of the Disciplinary Order/Settlement Agreement shall be left at the applicable site for the pharmacist-in-charge/manager-in-charge to review. Respondent shall provide an accurate listing of all employment/work sites where Respondent has been assigned if requested by the Board or the Board's authorized designee.
19. Licensee shall execute any release or provide any authorization necessary for the Board to obtain records of Respondent's employment during the period covered by this Disciplinary Order/Settlement Agreement.

CONTINUING EDUCATION

20. Within three (3) months of the effective date of this Disciplinary Order/Settlement Agreement, Respondent shall take and pass the Board approved Pharmacy Practice Guide

Continuing Education Examination, if available. Respondent shall register and complete the required examination via the Board's website or as otherwise requested by the Board.

21. Respondent shall take a minimum of 6.0 continuing education (0.60 CEUs) hours in pharmacy law during each biennial pharmacist renewal period that is completed while Respondent is on discipline. The continuing education required by this section shall comply with 20 CSR 2220-7.080 and may be used to satisfy the licensee's biennial continuing education requirement. Proof of compliance with the continuing education requirements of this section shall be submitted to the Board on or before October 31st of each biennial pharmacist renewal period.

CHEMICAL DEPENDENCY

22. Respondent shall abstain completely from the use or consumption of alcohol in any form, including over-the-counter medications and mouthwashes. The presence of any alcohol or alcohol metabolite whatsoever in a biological fluid sample shall constitute a violation of discipline.
23. Respondent shall abstain completely from the personal use of any controlled substance or other drug for which a prescription is required unless use of the drug has been prescribed by an authorized prescriber with whom Respondent has a bona fide patient relationship. Upon request, Respondent shall execute a medical release authorizing the prescriber to release treatment/medical records to the Board and/or communicate with the Board, or its representative, regarding Respondent's treatment. The presence of any controlled substance for which Respondent does not hold a valid prescription shall constitute a violation of discipline.
24. Respondent shall inform any prescriber issuing a prescription for Respondent that Respondent has been disciplined by the Board for issues relating to chemical misuse, dependency or impairment. Additionally, Respondent shall provide a copy of this Order/Agreement to all prescribers issuing/renewing a controlled substance, nalbuphine, or tramadol prescription to Respondent. Disclosure shall be made before the issuance of any new prescription(s). In the case of renewed/refilled prescriptions, disclosure shall be made within ten (10) days of the effective date of this Order/Agreement.
25. Within 10 days of the effective date of this Order/Agreement, Respondent shall provide the Board office a copy of all controlled substance prescriptions in Respondent's possession on the effective date of discipline. In lieu of prescription copies, Respondent may provide a list of all controlled substances prescribed on a form provided by the Board.
26. Respondent shall provide the Board with a copy of each prescription received, controlled or non-controlled, within five (5) days of Respondent's receipt of the prescription.
27. Respondent shall ensure that he/she is not in the same physical location as individuals who are using illicit drugs/substances, even if Respondent is not personally ingesting the drug/substance.
28. Respondent shall not be personally involved in any aspect of a pharmacy's processing, dispensing, or billing of any prescription for himself/herself or any family member,

including, but not limited to, recording any telephone prescription or verbal refill authorization.

29. Respondent shall execute a release that allows the Board to obtain treatment, medical, assessment, attendance, counseling or evaluation records from any person or support groups providing treatment, evaluation or counseling. Licensee shall take any and all steps necessary to continue the release(s) in effect for the entire period covered by this Order/Agreement. If requested by the Board, Respondent shall provide any new or additional release(s) within three (3) days of a request in a form provided by the Board.
30. Respondent shall take all necessary steps to ensure that any reports required by this Order/Agreement are timely submitted to the Board.
31. If directed by the Board, Respondent shall become a participant in the Board's Well-Being Program established pursuant Section 338.380, RSMo, for the remainder of the disciplinary period, when the Program is fully operational. When notified by the Board, Respondent shall enroll in the Program as directed by the Board. Respondent shall bear all the costs of the Program.
32. Respondent shall bear all costs of complying with this Disciplinary Order/Settlement Agreement.

DRUG TESTING:

33. Respondent shall participate in the Board's random drug testing/urinalysis program administered by FirstLab, the Board's approved drug testing/urinalysis vendor.
34. Licensee shall enroll in FirstLab's Professional Health Monitoring Program, on or before the effective date of this Disciplinary Order/Settlement Agreement. Respondent shall comply with all requirements imposed by FirstLab for the Professional Health Monitoring Program, including, but not limited to, any drug test/urinalysis requirements, any scheduling requirements, any reporting or telephone contact requirements and any requirements for payment of fees, purchasing/maintaining chain of custody (COC) forms or other required program documents/materials.
35. Respondent shall undergo periodic drug testing/urinalysis as requested by the Board or FirstLab, at Respondent's cost. Testing may be conducted on any human sample, including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing shall be within the Board's sole discretion.
36. If the Board's approved drug testing/urinalysis vendor changes from FirstLab, Respondent shall participate in and comply with any drug testing/urinalysis requirements requested by the Board or any subsequent Board approved vendor, including, but not limited to, any requirements for program enrollment, test scheduling, reporting or telephone contact, payment of fees, purchasing/maintaining chain of custody (COC) forms or any other required documents/materials.

CHEMICAL DEPENDENCY EVALUATION:

37. Within sixty (60) days of the effective date of this Order/Agreement, Respondent shall undergo an initial chemical dependency evaluation performed by a licensed or certified chemical dependency professional approved by the Board.
38. The initial chemical dependency evaluator must be approved by the Board prior to the evaluation. The name and documentation of the credentials of the required chemical dependency evaluator shall be submitted to the Board for approval within thirty (30) days after the effective date of this Order/Agreement. Respondent shall provide a copy of this Order/Agreement to the approved evaluator before the initial evaluation is performed.
39. Respondent shall cause the evaluator to submit an initial evaluation report to the Board within ten (10) days after the evaluation has been completed. The evaluation report shall be mailed directly to the Missouri Board of Pharmacy, P.O. Box 625, Jefferson City, Missouri 65102, and shall include:
 - a. An analysis/assessment of licensee's present state of impairment and whether Respondent is physiologically or psychologically alcohol or drug dependent;
 - b. A description of the tests performed and the results;
 - c. Discussion of relevant clinical interview findings/interpretations;
 - d. Specification of any DSM IV diagnosis/es;
 - e. Assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public;
 - f. An assessment for future prospects for recovery, and;
 - g. Any appropriate treatment recommendations/plan, including, but not limited to, the recommended beginning date of treatment, nature of treatment (i.e.- outpatient, inpatient, after care), treatment duration and any recommended after care or support group attendance. If there is no diagnosis requiring treatment, this should be reported in the evaluation.
40. Paragraphs 37 through 39 have been satisfied by the assessment and report dated March 12, 2017 by Duan L. Olberding, LCAC, LSCSW. The Respondent must comply with the recommendations in this report which include:
 - a. Maintain lifetime abstinence from all mood altering drugs and alcohol.
 - b. Enter a one-year Outpatient Treatment, weekly individual psychotherapy, with a licensed addiction counselor, focused on stabilization goals of complete abstinence, increased stress/coping skills, emotional recognition, personality change and development, along with 12-Step recovery concepts. During this time Mr. Trivedi is required to attend at least two 12-Step groups each week and by the second month obtain a 12-Step Sponsor that he will meet with on a weekly basis.
 - c. During the first two months of this one-year treatment process Kamlesh is required to meet with a psychiatrist with a goal of non-stimulant medication management of his Attention Deficit and anxiety symptoms. Wellbutrin is one medication that has been found to provide relief from both syndromes.

- d. Utilize a Primary Care Physician, PCP, for providing and monitoring all medications prescribed to Mr. Trivedi by the PCP or by medical specialists. He should provide his PCP and the pharmacist/pharmacy accurate information on his having substance use disorder to provide accountability and non-addictive medications.
 - e. Enter a one year monitoring contract with an Impaired Pharmacist Monitoring program that includes random monthly urinalysis testing. Inform all Impaired Pharmacist Monitoring programs in the states in which Mr. Trivedi is practicing of this monitoring contract for coordination purposes.
 - f. If Mr. Trivedi, the treatment provider, or urinalysis testing presents evidence that a higher level of care is needed Kamlesh must follow those recommendations.
 - g. Provider releases of information, to and from, all medical, psychotherapy, treatment, and medication providers for coordination of care.
41. Respondent shall execute a medical release for the approved evaluator that allows the Board to obtain the evaluation and any supporting documents/medical records.

IF TREATMENT IS NOT RECOMMENDED:

42. If the approved chemical dependency evaluator determines that treatment, counseling or further support group attendance is not recommended, the finding must be specifically documented in the required evaluation report.
43. The Board reserves the right to request a subsequent chemical dependency evaluation of Respondent at any time during the disciplinary period. If requested by the Board, the evaluations shall be performed by a licensed or certified chemical dependency professional approved or designated by the Board. Respondent shall submit to the examination as requested by the Board at Respondent's expense. If further evaluation is requested by the Board, Respondent shall comply with all provisions of this Order regarding the initial chemical dependency evaluation, including, submission of an evaluation report and compliance with all treatment, counseling or evaluation recommendations.
44. If no further treatment is recommended, Respondent shall continue to comply with all remaining provisions of this Disciplinary Order/Settlement Agreement, including, but not limited to, all drug/urinalysis testing and reporting requirements.

IF TREATMENT IS RECOMMENDED:

45. Respondent shall follow any recommendations made by the approved chemical dependency evaluator for treatment, counseling, evaluation, after care or support group attendance (i.e.- Narcotics/Alcoholics Anonymous).
46. All treatment/counseling providers or programs used to satisfy the recommendations of the chemical dependency evaluator or the requirements of this Order/Agreement must be approved by the Board in advance. The Board shall only approve entities/persons sufficiently qualified and licensed to provide the applicable treatment, evaluation or counseling.
- a. If the recommended treatment, counseling or evaluation will be provided by any person or entity other than the Board approved evaluator/program, Respondent shall

submit written documentation of the credentials and qualifications of the proposed provider/program to the Board for approval within ten (10) days of a recommendation from the Board approved chemical dependency evaluator.

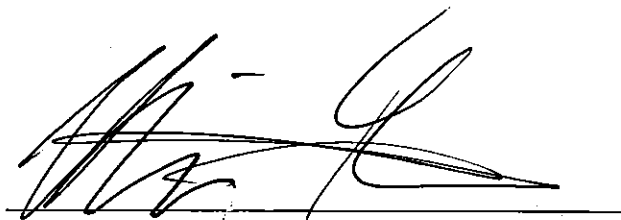
- b. For individual providers, documentation shall include a listing of any applicable professional designation(s)/license(s) and a resume/curriculum vitae. For entities, documentation shall include a detailed description of the program, participant requirements, individual provider qualifications and length of program operation.
47. All chemical dependency treatment programs shall comply with the provisions of this Disciplinary Order/Settlement Agreement and 20 CSR 2220-2.170(6), including, but not limited to, the following:
- a. A written agreement or contract executed between Respondent and the program/provider, outlining the responsibilities of each party for a successful treatment and monitoring program. The agreement must include a provision for sharing information concerning all aspects of therapy between the treatment facility/counselors and the Board. The agreement/contract must also include a provision authorizing the program/provider to report to the Board any violation of the treatment contract/agreement by Respondent, including, but not limited to, any positive drug/urinalysis test for any substance not supported by a valid prescription.
 - b. The treatment program must include randomized and witnessed body fluid testing and analysis.
 - c. Respondent shall cause Progress Reports to be submitted to the Board by the approved program/provider as follows:
 - i. Inpatient therapy— Monthly reports;
 - ii. Outpatient therapy— Quarterly reports; and
 - iii. After-care programs— Semiannual reports.
 - d. Progress Reports shall be based on a recent evaluation/consultation. Such evaluation/consultation shall not have occurred more than six (6) weeks prior to the Progress Report due date established herein. At a minimum, the Progress Report shall include:
 - i. An evaluation of Respondent's current progress and prognosis;
 - ii. An assessment of Respondent's compliance with all treatment recommendations/plan;
 - iii. An assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public, and;
 - iv. Any additional or revised treatment recommendations/plans. Respondent shall fully comply with the revised treatment recommendation/plan.
48. **Support Group Attendance:** If support group attendance is recommended by an approved evaluator/provider, Respondent shall attend support group meeting(s) as recommended (i.e.- Narcotics Anonymous, Alcohol Anonymous, Al-Anon). Respondent shall submit proof of attendance to the Board with Respondent's Disciplinary Compliance Report. Attendance

documentation shall include the date, time, and place of each meeting and shall bear a signature or abbreviated signature of another person verifying attendance.

49. Respondent shall notify the Board immediately if Respondent voluntarily or involuntarily ceases treatment or counseling with the Board approved provider. Notification shall include the date of cessation and the reasons for ceasing treatment/counseling. Respondent shall submit the name of a replacement treatment/counseling provider within thirty (30) days of ceasing treatment/counseling.
50. If Respondent's treatment is successfully completed at any time during the disciplinary period, Respondent shall cause the Board-approved chemical dependency professional to submit a report of final evaluation/summary. The final evaluation/summary shall include:
 - a. A statement that Respondent has successfully completed treatment;
 - b. An assessment of Respondent's fitness/ability to safely engage in the practice of pharmacy without posing a threat to Respondent or the public, and;
 - c. Any recommendations for after care or support group attendance. If continued after care/support group attendance is recommended, Respondent shall comply with all terms in this Disciplinary Order/Settlement Agreement related to support group attendance and documentation.
51. The Board reserves the right to request a subsequent chemical dependency evaluation of Respondent at any time during the disciplinary period. If requested by the Board, the evaluations shall be performed by a licensed or certified chemical dependency professional approved or designated by the Board. Respondent shall submit to the examination as requested by the Board at Respondent's expense. Respondent shall comply with all provisions of this Order/Agreement regarding the initial chemical dependency evaluation, including, submission of an evaluation report and compliance with all treatment, counseling or evaluation recommendations.
52. If treatment is completed, Respondent shall continue to comply with all remaining provisions of this Disciplinary Order/Settlement Agreement, including, but not limited to, all drug/urinalysis testing and reporting requirements.

ENTERED THIS 28th DAY OF NOVEMBER, 2017

(BOARD SEAL)



KIMBERLY GRINSTON
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY